

**Lin v. MetLife**

**07 civ. 3218**

# **EXHIBIT A**

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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JEAN LIN,

Plaintiff,

-against- 07-CV-3218

(Judge Holwell)

METROPOLITAN LIFE INSURANCE COMPANY,

Defendant.

-----X

DATE: January 2, 2008

TIME: 11:25 a.m.

DEPOSITION of the Plaintiff, JEAN  
LIN, taken by the Defendant, pursuant to  
a Court Order, held at the offices of  
Trief & Olk, 150 East 58th Street, New  
York, NY 10155 before Chanie Berman, a  
Shorthand Reporter and Notary Public of  
the State of New York.

1  
2 APPEARANCES:  
3  
4 TRIEF & OLK  
5 Attorneys for Plaintiff  
6 150 East 58th Street, 34th Floor  
7 New York, NY 10155  
8 BY: ERIC DINNOCEZO, ESQ.  
9  
10 METROPOLITAN LIFE INSURANCE COMPANY  
11 One MetLife Plaza  
12 27-01 Queens Plaza North  
13 Long Island City, NY 11101  
14 BY: TOMASITA SHERER, ESQ., OF COUNSEL  
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1  
2 JEAN LIN, called as a  
3 witness, having been first duly sworn,  
4 by a Notary Public of the State of New  
5 York, was examined and testified as  
6 follows:  
7 EXAMINATION BY  
8 MS. SHERER:  
9 Q What is your name?  
10 A Jean Lin.  
11 Q What is your home address?  
12 A 5 Medici Aisle, Irvine, CA 92606.  
13 MS. SHERER: Mrs. Lin, have you  
14 had your deposition taken before?  
15 THE WITNESS: Never.  
16 MS. SHERER: And so, I would like  
17 to begin by giving you some background  
18 on how the deposition will take place --  
19 THE WITNESS: Okay.  
20 MS. SHERER: -- and some  
21 deposition rules.  
22 THE WITNESS: Uh huh.  
23 MS. SHERER: Perhaps your attorney  
24 already went over this with you but I am  
25 going to go over it again to make sure

1  
2 FEDERAL STIPULATIONS  
3  
4 IT IS HEREBY STIPULATED AND AGREED by  
5 and between the attorneys for the respective  
6 parties herein, that filing and sealing be and  
7 the same are hereby waived.  
8  
9 IT IS FURTHER STIPULATED AND AGREED that  
10 all objections, except as to the form of the  
11 question, shall be reserved to the time of the  
12 trial.  
13  
14 IT IS FURTHER STIPULATED AND AGREED that  
15 the within deposition may be sworn to and signed  
16 before any officer authorized to administer an  
17 oath, with the same force and effect as if  
18 signed and sworn to before the Court.  
19 . . .  
20  
21  
22  
23  
24  
25

1 LIN  
2 everything goes smoothly; okay?  
3 THE WITNESS: Okay.  
4 MS. SHERER: I am going to be  
5 asking you questions. You are going to  
6 be giving me answers and sometimes you  
7 may know where I am going with a  
8 question.  
9 THE WITNESS: Uh huh.  
10 MS. SHERER: But I would just ask  
11 that you allow me to finish my entire  
12 question before you answer because it's  
13 hard for the court reporter to take down  
14 when we are both speaking; is that okay?  
15 THE WITNESS: Yes, it is.  
16 MS. SHERER: Also, I ask that you  
17 respond verbally. Nods of the head or  
18 uh huh's or uh uhs are not taken down  
19 well by the court reporter; okay?  
20 THE WITNESS: Okay.  
21 MS. SHERER: Any time you would  
22 like to take a break, please just let me  
23 know. We can take as many breaks as you  
24 want.  
25 THE WITNESS: Okay.

<p>6 LIN 2 MS. SHERER: If you don't 3 understand my question, please just let 4 me know that you don't understand and 5 I'll try to rephrase the question. Okay? 6 THE WITNESS: Great. Thank you. 7 MS. SHERER: If you answer the 8 question, I will assume that you 9 understood the question. 10 THE WITNESS: Okay. 11 MS. SHERER: The first exhibit I 12 would like to mark is the Deposition 13 Notice. Let me give you a copy, just 14 for the record (handing.) 15 (Defendant's Exhibit A, a document, 16 was marked for identification.) 17 Q I am handing you what has been 18 marked as Defendant's Exhibit A and I would 19 like to ask you whether you have seen this 20 document before. 21 MR. DINNOCENZO: Why don't you 22 have her look at this? It's no big deal 23 for this but let her look at the marked 24 exhibit. 25 MS. SHERER: Right (handing).</p>	<p>8 LIN 2 Q Do you have any documents with you 3 today? 4 A No, I don't. 5 Q Ms. Lin, how old are you? 6 A I am 36 1/2, going to be 37 this 7 May, yes. 8 Q Where do you live? 9 A I live in 5 Medici Aisle, Irvine, 10 California 92606, yes. 11 Q How long have you lived there? 12 A Two months. 13 Q Where did you live before then? 14 A 38 Daisy, Irvine, California 15 92618. 16 Q How long did you live at Daisy? 17 A One year. 18 Q What about before then? 19 A Seven Green Hollow G-r-e-e-n 20 second word H-o-l-l-o-w, Irvine, California 21 92620. 22 Q How long did you live there? 23 A Ten years. 24 Q Just to make sure I heard 25 correctly, you lived at Green Hollow for ten</p>
<p>7 LIN 2 A Okay. Could you repeat the 3 question again? 4 Q Sure. Have you seen this Notice 5 for your deposition before? 6 A No. 7 Q Do you know why we are here today? 8 A Yes. 9 Q Why is that? 10 A We are doing a deposition -- 11 MetLife, with me and MetLife, yes. 12 Q Do you understand that you are 13 under oath to tell the truth? 14 A Yes, I do. 15 Q Is there any reason why you can 16 not testify truthfully and accurately today? 17 A No, I guess not. 18 Q Are you on any medications today? 19 A No. I am not. 20 Q Do you understand English? 21 A Yes, I do. 22 Q Can you read English? 23 A Yes, I do. 24 Q Do you need an interpreter today? 25 A No, I don't.</p>	<p>9 LIN 2 years? 3 A Yes. 4 Q Mr. Lin, did he live with you at 5 the location after Green Hollow, the one year 6 location? 7 A He was in the hospital while I 8 moved to 38 Daisy. 9 Q So he never lived there or resided 10 there? 11 A Five days only. 12 Q Have you ever lived in New York? 13 A Yes, I do. 14 Q You do? 15 A Yes. 16 Q You have a residence in New York? 17 A No, I don't. 18 Q But you have lived in New York in 19 the past? 20 A Yes. 21 Q When was that? 22 A 1989. 23 Q For one year? 24 A Four years. 25 Q So from when to when did you live</p>

1 LIN 12

2 A In a party.

3 Q In a party?

4 A Yes.

5 Q How soon after you met were you

6 married?

7 A (No response.)

8 Q Let me rephrase it. When did you

9 get married?

10 A 1995.

11 Q How long were you married to Mr.

12 Lin?

13 A My son -- ten years because yes,

14 ten years -- you mean -- can you?

15 Q Sure. Say it.

16 A Including the time as of now or

17 before he passed away?

18 Q Before he passed away.

19 A Ten, eleven years.

20 Q When did he pass away?

21 A August 11, 2000 -- 2006.

22 Q And he was 37 years old?

23 A Yes, it is.

24 Q Where did you get married?

25 A Orange County, California.

1 LIN 13

2 Q Where was he born?

3 A Taipei, Taiwan.

4 Q Do you have children together?

5 A Yes, we do.

6 Q How many?

7 A Two.

8 Q What are their names?

9 A Angus Lin, A-N-G-U-S,

10 C-H-E-L-S-E-Y Lin.

11 Q How old are they now?

12 A They are now 12 and 11.

13 Q Who is 12?

14 A Angus is 12 years. Chelsey is 11

15 years old.

16 Q Ms. Lin, where do you work?

17 A I helping my husband in office.

18 Q Where do you work now?

19 A I am not working currently.

20 Q You are unemployed?

21 A I am unemployed.

22 Q So the last position you had was

23 working with your husband in his office or in

24 your office?

25 A Yes.

1	LIN	14	1	LIN	16
2	Q	What was the position that you	2	A	Elmhurst, New York.
3	held?		3	Q	You said you did one semester of
4	A	I don't -- you know, I am doing	4	college?	
5	everything in the office. I am cleaning the		5	A	Yes.
6	bathroom. I am answering the phone and, you		6	Q	Which college?
7	know, doing paperwork for him, yes,		7	A	Queens College.
8	accounting, accounts payable, accounts		8	Q	Did you ever have any medical,
9	receivable, yes.		9	insurance or legal training?	
10	Q	Maybe tell me a little bit about	10	A	No, I don't.
11	the business.		11	Q	None of the three?
12	A	We sell computer, hardwares.	12	A	No.
13	Q	You sell computer hardware?	13	Q	What are your plans, in terms of
14	A	Yes.	14	work; what do you plan to do?	
15	Q	Did you also service computers?	15	A	Do you mean what kind of job and
16	A	Our customer bring their machine	16	will I be looking for it?	
17	to our office if there is anything wrong with		17	Q	Yes.
18	the computer that we sell.		18	A	I will be more interesting in
19	Q	What was the name of this	19	financial like bank, working in a bank as a	
20	business?		20	clerk, yes.	
21	A	Uni Micro, U-N-I space M-I-C-R-O	21	Q	Are you looking for work like that
22	Computer Corporation.		22	now?	
23	Q	Does this corporation still exist	23	A	I am not because I have two kids
24	today?		24	to take care. We are by ourselves in	
25	A	No, not anymore, no.	25	California. I have no help, no relatives in	

  

1	LIN	15	2	LIN	17
2	Q	How many employees did you have at	2	there.	
3	the company?		3	Q	Where are your relatives?
4	A	We only have two part timers.	4	A	They are both in the east coast.
5	Q	In addition to yourself and Mr.	5	Q	In New York?
6	Lin?		6	A	No, in New Jersey, yes.
7	A	Yes, total four.	7	MR. DINNOCENZO:	I just want you
8	Q	Approximately, what was your	8	to answer the questions she asks.	
9	annual salary?		9	Q	You say they are both.
10	A	I don't have any.	10	A	So.
11	Q	You didn't have a salary?	11	Q	Who's in New Jersey?
12	A	I didn't get paid.	12	A	My mother-in-laws.
13	Q	You didn't get paid a draw or	13	Q	Who is the other one?
14	anything?		14	A	My brother-in-law.
15	A	No.	15	Q	Your mother-in-law and
16	Q	What was your title?	16	brother-in-law are in New Jersey?	
17	A	I don't have a title there.	17	A	Yes.
18	Q	Tell me about your educational	18	Q	And the rest of the family?
19	background.		19	A	My sister are in New Jersey too.
20	A	High school graduate and one	20	Q	Did you say your sisters or
21	semester of college.		21	sister?	
22	Q	And which high school did you	22	A	My sister.
23	attend?		23	Q	Are you remarried now?
24	A	New Town, N E W T O W N.	24	A	No. I am not.
25	Q	Where was New Town?	25	MS. SHERER:	I would like to show

1	LIN	22	1	LIN	24
2	this policy for a savings and for a		2	and primary beneficiary, correct?	
3	children's savings; is that what you are		3	A Correct.	
4	saying?		4	Q Let's go to page 395 of the	
5	A Retirement plan and college fund		5	application and I would like to direct your	
6	for our children.		6	attention to question three at the top. It's	
7	Q Is that the reason why you wanted		7	indicated that the insured, which is Mr. Lin,	
8	this life insurance?		8	already had a \$500,000 life insurance policy	
9	A Yes, it is.		9	with MetLife; correct?	
10	Q Did you discuss anything else		10	A Yes.	
11	about this life insurance policy before you		11	Q Do you recall telling Ms. Huang	
12	got it?		12	that he already had a \$500,000 life insurance	
13	MR. DINNOCENZO: Objection.		13	policy from MetLife?	
14	A Could you repeat the question?		14	A Could you repeat the question?	
15	Q Is there anything else that you		15	Q Sure.	
16	discussed with him --		16	A I was lost.	
17	A No. That is the only purposes.		17	Q As you sit here today, do you	
18	Q -- about the life insurance		18	recall telling Ms. Huang about the \$500,000	
19	policy?		19	MetLife life insurance policy?	
20	No.		20	A I do have, okay, I do have the	
21	MR. DINNOCENZO: Wait for her to		21	answer but I have a question.	
22	finish the question.		22	Q Sure.	
23	MS. SHERER: I know it's hard		23	A When you say, you ask me if that,	
24	because you know where the question is		24	if she tell me or she told me that if.	
25	going but we have to wait and pause		25	Q Ask.	
1	LIN	23	1	LIN	25
2	because of the court reporter. Let me		2	A If she asked me if we have any	
3	see if I can ask it a different way.		3	other insurance.	
4	Q I would like to now direct your		4	Q Yes.	
5	attention to page 396. Whose handwriting is		5	A She didn't ask us because she is	
6	this?		6	our -- she was the -- she also is the one who	
7	A Judy Huang.		7	sold the previous.	
8	Q That is the sales agent; correct?		8	Q She sold the previous MetLife life	
9	A Correct.		9	insurance policy to you?	
10	Q Who was to be the beneficiary		10	A Yes.	
11	under this policy?		11	Q So you are saying she already knew	
12	A You mean the main beneficiary?		12	about the \$500,000 policy?	
13	Q Yes.		13	A Yes.	
14	A Jean Lin, myself.		14	Q But she did not ask you?	
15	Q So you were to be the sole primary		15	A No.	
16	beneficiary under the policy; correct?		16	Q You are saying to your	
17	A Correct.		17	recollection you were never asked whether you	
18	Q Who was the owner of the policy?		18	had any other life insurance?	
19	A Jean Lin, myself.		19	A No.	
20	Q You applied for this life		20	Q But you do agree at this time you	
21	insurance on Mr. Lin as owner and primary		21	had the \$500,000 life insurance?	
22	beneficiary of the policy; correct?		22	A Yes.	
23	A Could you repeat the question?		23	Q You had that one since '99?	
24	Q Sure. You applied for this policy		24	A Yes.	
25	of life insurance on Mr. Lin's life as owner		25	MS. SHERER: I would like to mark	

1 LIN 42  
2 A No. I didn't see.  
3 Q Do you know why John Hancock  
4 refused to pay the \$1,000,000 on the policy?  
5 A No -- do you mean you want me to  
6 tell you the letter they send me, the  
7 investment letter?  
8 Q They sent you a letter explaining  
9 why they won't pay?  
10 A Yes.  
11 Q What did the letter say?  
12 A I don't understand. They said he  
13 was pre-conditioned.  
14 Q Did they mention hepatitis B?  
15 A I don't remember.  
16 Q Do you know why they didn't pay?  
17 A I really don't know why.  
18 Q Have you sued John Hancock for its  
19 refusal to pay the \$1,000,000 policy?  
20 A You mean for this policy?  
21 Q Yes.  
22 A Yes, I did.  
23 Q Other than the three policies we  
24 have just discussed, were there any other  
25 policies, life insurance policies that were

1 LIN 43  
2 applied for on Mr. Lin's life?  
3 A No.  
4 Q Any other policies issued?  
5 A No.  
6 Q Did you ever apply for a life  
7 insurance policy outside of Irvine,  
8 California?  
9 A Do you mean me?  
10 Q Let's start with you.  
11 A Okay.  
12 Q Did you ever apply for a life  
13 insurance policy outside of Irvine,  
14 California?  
15 A No.  
16 Q Did your husband ever apply?  
17 A No.  
18 MR. DINNOCENZO: Let her finish.  
19 THE WITNESS: Sorry.  
20 Q Did your husband ever apply for  
21 life insurance outside of Irvine, California?  
22 A No.  
23 Q Let's get back to the policy that  
24 is the subject of this litigation so we will  
25 take a look at Exhibit B. Who was present

1 LIN 44  
2 when you purchased this policy?  
3 A Me and Judy Huang.  
4 Q What about Mr. Lin?  
5 A He was back in the office working.  
6 Q So it was just you and Judy when  
7 you purchased the policy?  
8 A Yes.  
9 MR. DINNOCENZO: Do you mean the  
10 application?  
11 MS. SHERER: Application.  
12 THE WITNESS: Do you mean when I  
13 filled out the application?  
14 MS. SHERER: Yes.  
15 THE WITNESS: When we filled out  
16 the application who was present?  
17 MS. SHERER: Yes.  
18 THE WITNESS: Judy and I.  
19 Q Where did this meeting take place?  
20 A In the front office of Uni Micro.  
21 Q That was your office?  
22 A Yes, my husband -- our office, my  
23 husband's office.  
24 Q Just for the record, where was Uni  
25 Micro located?

1 LIN 45  
2 A Do you want an address?  
3 Q Yes, sure.  
4 A 17921 Sky Park Circle, suite  
5 number H, Irvine, California 92614.  
6 Q And I think you said you found  
7 Judy through a Chinese yellow pages?  
8 A Yes, I do.  
9 Q That was in 1999 when you first  
10 bought --  
11 A First bought the policy.  
12 Q The \$500,000 policy?  
13 A Yes.  
14 Q Since 1999 and the time you  
15 decided to get this policy, \$1,000,000  
16 policy, had you communicated with Judy in any  
17 way, had you spoken to her?  
18 A Could you explain more?  
19 Q I guess I am just trying to  
20 understand your relationship with Judy. How  
21 often did you speak with her, you know, were  
22 you friends, were you friends outside of  
23 this?  
24 A We, she tried, she called me  
25 constantly. She tried to sell us more



<p>1 LIN 46</p> <p>2 policy. That is it.</p> <p>3 Q How often would she call you, for</p> <p>4 example?</p> <p>5 A About twice a year.</p> <p>6 Q Twice a year?</p> <p>7 A Yes.</p> <p>8 Q Other than calling you twice a</p> <p>9 year, did you ever visit her in her office?</p> <p>10 A No, never.</p> <p>11 Q Did you ever go out socially with</p> <p>12 her?</p> <p>13 A No.</p> <p>14 Q Or talk to her socially?</p> <p>15 A In my culture -- could you be more</p> <p>16 specific? It's different.</p> <p>17 Q Tell me what you mean. So I guess</p> <p>18 my question was, did you socialize with her,</p> <p>19 did you become friends?</p> <p>20 A Friend, yes, like friend, but not</p> <p>21 like you know Rebecca my best friend, not</p> <p>22 friend friend but you know. Okay. I don't</p> <p>23 know how to say that.</p> <p>24 Q Did you ever go out with her</p> <p>25 socially?</p>	<p>1 LIN 48</p> <p>2 you recall Judy asking you these questions?</p> <p>3 A 394 until 400?</p> <p>4 Q Yes.</p> <p>5 A No, I don't.</p> <p>6 Q You don't recall?</p> <p>7 A No.</p> <p>8 Q Well, when she came over --</p> <p>9 A Um,</p> <p>10 Q -- tell me about the time that she</p> <p>11 came over to Uni Micro. It was just you two</p> <p>12 doing the application. Tell me.</p> <p>13 A She just came and she, you know,</p> <p>14 she filled out the application for me and she</p> <p>15 asked me anything change or I say nothing</p> <p>16 changed and then she said okay, you know, and</p> <p>17 then, you know, she filled out and I just</p> <p>18 signed it and then we start talking about</p> <p>19 mother things.</p> <p>20 Q Did she fill out the application</p> <p>21 in front of you?</p> <p>22 A Yes, she did.</p> <p>23 Q As she was filling out the</p> <p>24 application, was she translating into Chinese</p> <p>25 what the application said?</p>
<p>1 LIN 47</p> <p>2 A No.</p> <p>3 Q Did you ever have a conversation</p> <p>4 with her about things other than life</p> <p>5 insurance?</p> <p>6 A Yes, of course like kids, you</p> <p>7 know, that is all and the school.</p> <p>8 Q Fair enough. When you spoke to</p> <p>9 Judy generally, when she called you, did the</p> <p>10 conversation take place in English or</p> <p>11 Chinese?</p> <p>12 A Chinese.</p> <p>13 Q All of the time?</p> <p>14 A Yes.</p> <p>15 Q Let's go back to the time when you</p> <p>16 completed the application for this policy in</p> <p>17 your office. Do you recall being asked</p> <p>18 generally application questions for this</p> <p>19 policy?</p> <p>20 A Could you explain more about this</p> <p>21 question?</p> <p>22 Q I guess the first question I want</p> <p>23 to know is do you recall being asked the</p> <p>24 questions on the application? I would direct</p> <p>25 you to the pages, page 394 through 400. Do</p>	<p>1 LIN 49</p> <p>2 A She actually, she was just, you</p> <p>3 know, could you be more specific? What part</p> <p>4 of this application?</p> <p>5 Q Well, I am just trying to get a</p> <p>6 sense of how the application came to be</p> <p>7 filled out. Did she ask you a question and</p> <p>8 then write it out?</p> <p>9 A No. She just filled out it at</p> <p>10 once.</p> <p>11 Q She just filled out the whole</p> <p>12 application and didn't ask you a single</p> <p>13 question?</p> <p>14 A She asked me to get my husband's</p> <p>15 driver's license and I knew his social</p> <p>16 security number, so, yes. That is the only</p> <p>17 thing.</p> <p>18 Q Do you recall her asking questions</p> <p>19 about health and medical?</p> <p>20 A No, I don't.</p> <p>21 Q You don't recall her asking you a</p> <p>22 single question about that?</p> <p>23 A (No response.)</p> <p>24 Q Do you recall her asking you about</p> <p>25 tobacco or smoking history?</p>

<p>1 LIN 50</p> <p>2 A No.</p> <p>3 Q Or anything about traveling; did</p> <p>4 she ask you any of those things?</p> <p>5 A Before we filled out these</p> <p>6 questions the only thing she asked if</p> <p>7 anything change. I say nothing.</p> <p>8 Q As we sit here today, you don't</p> <p>9 remember her asking you a single question</p> <p>10 about health?</p> <p>11 A No.</p> <p>12 Q The health of Mr. Lin?</p> <p>13 A No.</p> <p>14 Q As you sit here today, you don't</p> <p>15 recall her asking you any question about</p> <p>16 whether he travelled outside of the United</p> <p>17 States?</p> <p>18 A No.</p> <p>19 Q As we sit here today, you don't</p> <p>20 recall her asking you a question specifically</p> <p>21 about his smoking history; correct?</p> <p>22 A (No response.)</p> <p>23 Q Do you recall her asking you a</p> <p>24 question about his smoking history?</p> <p>25 A No.</p>	<p>1 LIN 52</p> <p>2 to sign?</p> <p>3 A She just, you know, I just signed</p> <p>4 it. I just sign it and bring it to my</p> <p>5 husband to sign.</p> <p>6 MR. DINNOCENZO: Remember to</p> <p>7 answer her question.</p> <p>8 Q Do you remember her asking you to</p> <p>9 sign it?</p> <p>10 A She asked me to sign, she just</p> <p>11 asked me to sign it, yes.</p> <p>12 Q Did you read any of it?</p> <p>13 A No.</p> <p>14 Q Why didn't you read any of it?</p> <p>15 A Because we trusted her.</p> <p>16 Q But can you read English?</p> <p>17 A I read English, yes. Poorly.</p> <p>18 Q Did you ever tell Judy that you</p> <p>19 would like a copy of this application</p> <p>20 translated in Chinese?</p> <p>21 A Could you?</p> <p>22 Q Did you ever ask Judy --</p> <p>23 A No.</p> <p>24 Q -- to give you a copy of this</p> <p>25 application translated in Chinese characters?</p>
<p>1 LIN 51</p> <p>2 Q And you testified that all she</p> <p>3 asked you was if anything changed?</p> <p>4 A Yes.</p> <p>5 MR. DINNOCENZO: Objection.</p> <p>6 Q How long was she there?</p> <p>7 A Huh?</p> <p>8 Q How long was she there?</p> <p>9 A She was there about one hour.</p> <p>10 Q One hour?</p> <p>11 A Yes.</p> <p>12 Q And in that one hour, what</p> <p>13 happened?</p> <p>14 A She filled out and then she</p> <p>15 started telling me the tragedy of her friend.</p> <p>16 She has a friend's son. He passed away seven</p> <p>17 years, at age seven years because of the</p> <p>18 asthma attack. We were both crying so we</p> <p>19 spent a lot of time talking about kids.</p> <p>20 Q In the hour that she was there,</p> <p>21 how long did it take to do the application?</p> <p>22 A I really don't.</p> <p>23 Q Estimate.</p> <p>24 A About 20 minutes, maybe.</p> <p>25 Q And do you remember her asking you</p>	<p>1 LIN 53</p> <p>2 A No, I did not.</p> <p>3 Q I would like to draw your</p> <p>4 attention to page 398 and please look at</p> <p>5 question 21-D.</p> <p>6 MR. DINNOCENZO: No, here.</p> <p>7 THE WITNESS: Oh.</p> <p>8 Q I am going to read it into the</p> <p>9 record. The question asks, "Has any person</p> <p>10 proposed for insurance ever received</p> <p>11 treatment, attention or advice from any</p> <p>12 physician, practitioner or health facility or</p> <p>13 been told by any physician, practitioner or</p> <p>14 health facility that he or she had ulcers,</p> <p>15 colitis, hepatitis, cirrhosis or any other</p> <p>16 diagnosis or disorder of the liver,</p> <p>17 gallbladder, stomach or intestines." Do you</p> <p>18 see that question?</p> <p>19 A Do you mean now?</p> <p>20 Q Yes.</p> <p>21 A Now I did, yes.</p> <p>22 Q What answer was checked to that</p> <p>23 question?</p> <p>24 A It was checked no.</p> <p>25 Q Do you recall being asked this</p>

1 LIN 90

2 A And whoever.

3 Q Whoever helped him with the  
4 application. Do you know if it was Judy?

5 A I don't know because I wasn't  
6 there. I wasn't awake.

7 Q You weren't awake?

8 A They did it in the morning.

9 Q You were sleeping?

10 A I wasn't in the office.

11 Q So this was done very early in the  
12 morning?

13 A I think so.

14 Q Do you know where this took place?

15 A I don't remember. It wasn't, yes,  
16 because if I was -- I am not present.

17 Q You weren't present?

18 A No.

19 Q Would you agree that the  
20 paramedical took place on or about August 18,  
21 2004; does that sound right to you?

22 A Maybe. The application is --  
23 let's see.

24 Q Page 393 shows.

25 A This is the August 18 so when you

1 LIN 91

2 say paramedic, what does that mean, the day  
3 they draw the blood?

4 Q Were you aware that your husband  
5 was asked questions and given some tests with  
6 the blood for a paramedical exam?

7 A From my understanding.

8 Q Tell me, what is your  
9 understanding?

10 A It's the day that they draw the  
11 blood; correct, no?

12 Q Well, they do several things.  
13 They also ask questions.

14 A I wasn't there.

15 Q So you weren't there?

16 A No.

17 Q Do you know if your husband did  
18 this paramedical exam in his office or in  
19 someone else's office?

20 A I don't remember. I don't want to  
21 say something I am not sure.

22 Q But it was in Irvine, California?

23 A For sure it's in Irvine.

24 Q Is your husband's signature on  
25 page 393?